

### **3.1 - WAPC PLANNING BULLETIN 112 - R-MD CODES**

*Cr Butterfield declared a non-financial interest in this item as she is a member on the DevelopmentWA's (MRA) Armadale Land Redevelopment Committee. As a consequence, there may be a perception that her impartiality on the following matter may be affected, but declared that she would disregard this association, consider the matter on its merits and vote accordingly.*

WARD : ALL  
FILE No. : M/747/19  
DATE : 28 April 2020  
REF : GW  
RESPONSIBLE : EDDS  
MANAGER

#### **In Brief:**

- Councillor Referral Item- Request that Western Australian Planning Commission's (WAPC) Planning Bulletin 112 – medium-density single house development standards – Development Zones (R-MD Codes) be adopted as a local planning policy.
- The medium-density single house development standards (R-MD Codes) are a set of development provisions that vary existing deemed-to-comply requirements of the Residential Design Codes (R-Codes).
- Recommend that Council amend Local Planning Policy PLN 3.10- Residential Design Codes Variation to invoke R-MD Codes for single houses in areas zoned Urban Development under TPS4.

#### **Tabled Items**

Nil.

#### **Decision Type**

- Legal** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- Executive** The decision relates to the direction setting and oversight role of Council.
- Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

#### **Officer Interest Declaration**

Nil.

#### **Strategic Implications**

Nil.

#### **Legislation Implications**

Planning & Development (Local Planning Schemes) Regulations 2015  
Residential Design Codes of Western Australia

#### **Council Policy/Local Law Implications**

Planning Policy 3.10 – Residential Design Code Variations

### **Budget/Financial Implications**

Nil.

### **Consultation**

Nil.

## **BACKGROUND**

At the Development Services Committee meeting held on 16 July 2019, Cr Shaw requested that the WAPC Planning Bulletin 112 – medium-density single house development standards – Development Zones (R-MD Codes), be adopted as a local planning policy.

### *Background to R-MD Codes*

The medium-density single house development standards (R-MD Codes) are a set of development provisions that vary existing deemed-to-comply requirements of the Residential Design Codes (R-Codes). They apply to single houses in new development zones (structure planning areas) with density codes of R25, R30, R40, R50 and R60, where a local planning policy has been adopted by Council.

The R-MD Codes provide for variations to existing deemed-to-comply requirements of the R-Codes relating to:

- street and lot boundary setbacks (clauses 5.1.2 & 5.1.3)
- open space (clause 5.1.4);
- garage widths and setbacks (Clauses 5.2.1 & 5.2.2);
- front fences (Clause 5.2.4);
- parking (clause 5.3.3);
- visual privacy (clause 5.4.1); and
- solar access (clause 5.4.2).

According to the WAPC, the R-MD Codes are ‘based on contemporary housing typologies and incorporate existing R-Codes variations that have been applied to date in various approved planning instruments’ (such as Structure Plans and Local Development Plans).

In order to respond to this increased use of R-Codes variations, a working group of key government (including the Cities of Armadale, Rockingham, Swan, and Wanneroo), development and building industry stakeholders was formed, which resulted in the R-MD provisions. The R-MD provisions are intended to provide higher amenity streetscapes and more useable open space in backyards.

### *Planning Bulletin 122/2015 (Superseded)*

The R-MD Codes were first introduced by the WAPC via Planning Bulletin 122/2015 on 3 May 2015 (which has since been superseded by Planning Bulletin 122/2016). This now superseded bulletin recommended that the R-MD provisions should be incorporated via amendments to structure plans in order to take effect, at the time.

*Planning Bulletin 122/2016 (Current)*

Since the introduction of the Planning and Development (Local Planning Scheme 2015) Regulations (Regulations) on October 2015, the statutory ‘weight’ of structure plans has been limited requiring that decision makers only have ‘due regard’ when determining an application. As such, structure plans are no longer binding or an appropriate mechanism to amend R-Code requirements.

The WAPC subsequently issued Planning Bulletin 112/2016 in October 2016 to clarify the process for local authorities to invoke the R-MD Codes. Under Schedule 2, Part 7, Clause 61(4)(c) of the Regulations, the deemed-to-comply requirements of the R-Codes can be amended or replaced by a local planning policy. As such, the R-MD Codes can be adopted as a local planning policy that varies the deemed-to-comply requirements of the R-Codes.

Appendix 1 of the bulletin outlines the specific variations involved for all medium residential density codings and provides a comparison against the current deemed-to-comply requirements of the R Codes (*refer to Attachment*).

*Invoking R-MD Codes*

The WAPC has resolved in accordance with Schedule 2, Part 2, Clause 4(1) of the Regulations that adoption of the R-MD Codes (as contained in Appendix 1) as a local planning policy does not require public advertising.

Upon adoption of such a local planning policy, the local government must notify the WAPC of the resolution. The WAPC will then confirm that the policy is in accordance with this planning bulletin

**DETAILS OF PROPOSAL**

In this instance, as the City already has a specific Local Planning Policy (PLN 3.10 – Residential Design Codes Variation), which allows for variations to deemed-to-comply requirements of the R-Codes, it would be appropriate to amend PLN 3.10 in lieu of preparing a standalone policy.

Proposed changes to PLN 3.10 to incorporate the R-MD involve the following:

- Amending the *Introduction* and *Application of Policy* sections of the policy to reference and provide clarification that R-MD Codes will apply to single houses in the Urban Development zone only;
- Adding a new Clause 4.7 titled ‘*Medium density Single House development standards in areas zoned Urban Development*’ and inserting a new Table 1 outlining the relevant R-MD Codes provisions from Appendix 1 of WAPC’s *Planning Bulletin 122/2016* that will be applicable;
- Adding a new Clause 5 titled ‘*Definitions*’ to define the terms *rear* and *front load lots*.

## COMMENT

### *Key Differences between R Codes and R-MD Codes*

The attached table and diagram compares the key differences between the existing deemed-to-comply R-Code requirements and the corresponding R-MD variations applicable to the R25 density code. The R25 code has been chosen as an example in this instance noting this density is the predominant density coding throughout the City's growth area (Harrisdale and Piara Waters– zoned Urban Development /Development Structure Plan areas (*refer to Attachment*)).

### *Application of R-MD Codes within City of Armadale*

#### *Peregrine Estate*

The Peregrine Estate, Piara Waters (situated in a portion of Development Area 35 and located east of Wright Road (*refer to Attachment*)) is the only area within the City where the R-MD Codes currently apply in their entirety. It should be noted that this portion of Development Area No.35 (covering the Peregrine Estate) was amended to incorporate R-MD provisions (R-MD 30 & 40) on a trial basis at the time, in accordance with the now superseded WAPC's Planning Bulletin 112/2015.

The estate provided an opportunity to trial the implementation of the R-MD Codes within the City, on the basis it was to be subdivided and subsequently developed by the one developer as complete house and land packages. In this instance, it was also considered that one developer would have greater control over the final built form outcomes and ability to deliver more consistent housing products as compared to a more traditional vacant lot subdivision. It is important to note that the estate is still undeveloped and therefore it is difficult to conclude on the success (or otherwise) of the built form outcomes until the estate is progressed.

Notwithstanding however, the City has identified a number of concerns with the R-MD Codes and potentially less than desirable streetscape outcomes being achieved, particularly the R-MD 25 code provisions relating to boundary-to-boundary development (*Walls to Boundary (R-Codes 5.1.3, C3.2)*) and front fencing (*Front Fences (R-Codes 5.2.4)*). These particular provisions are discussed further under 'Key Concerns with the R-MD Codes' section of this report.

## ANALYSIS

### *Key Concerns with the R-MD Codes*

#### *Lot Boundary Setbacks (Clause 5.1.3, C3.1)*

The R-MD boundary-to-boundary provision (allowing development up to both side boundaries) has the potential to create undesirable streetscape outcome particularly in circumstances where lots are wider than 10.5m (Refer to example photograph below). The need for boundary-to-boundary development, particularly at the R25 density code is questionable and is also inconsistent with the existing and predominant single-storey dwelling (detached) built form. The current R-Code provision, only allows development to one side boundary which provides a much needed break in the streetscape and reduces the overall appearance of building bulk as viewed from the street.



**Example: Boundary-to-boundary provision (11m lot frontage)**

It should be noted that boundary-to-boundary development can be appropriate in specific circumstances, and where controlled via local development plan provisions. In this regard, the City has preferred to be more selective and cautious where such variations are applied via Local Development Plans, taking into account suitable lot product (such as narrow, rear loaded/laneway lots) and desired streetscape outcomes (ie. terrace style or two-storey housing built form) for each estate, on a case-by-case basis.

#### *Front Fences (R-Codes 5.2.4)*

The R-MD provision reducing the height of solid front fencing from 1.2m to 900mm is problematic, in that the current fencing standard is well established and a common element of the streetscape in most areas. The R-Codes currently permit front fencing to be solid up to 1.2m and visually permeable above, with no prescribed maximum height. The City's Fencing Local Law reflects this visually permeable requirement with a prescribed maximum height of 1.8m. Introducing another fencing standard, which contradicts the City's Fencing Local Law is somewhat draconian and is inconsistent with the predominant build form and existing fences within the predominant R25 code areas.

In light of the above concerns, it is recommended that R-MD- R25 provisions relating to Lot Boundary Setbacks (Clause 5.1.3, C3.1), Walls to Boundary (R-Codes 5.1.3, C3.2) and Front Fences (R-Codes 5.2.4) not be adopted and the existing R-Code requirements should remain (as per R-Codes).

#### ***Application of R-MD Codes within DevelopmentWA Areas***

DevelopmentWA are not subject to the planning framework established under the *Planning and Development Act 2005* including State Planning Policies or Planning Bulletins such as the R-MD Codes. However, while DevelopmentWA has no policy comparable with the R-MD Codes, they do permit development and variations to development standards via Local Development Plans (LDP) that are the same as those specified under the R-MD Codes. These are specifically street setbacks, garage setbacks, boundary walls, open space and outdoor living area variations. Most development in Hilbert and Haynes is characterised by these variations, which have been sought by developers through LDPs rather than through any policy or stance of DevelopmentWA.

DevelopmentWA also takes a different approach to the WAPC and the City with the preparation of LDPs. While LDPs are ordinarily prepared only where a Structure Plan or condition of subdivision requires it by the WAPC, DevelopmentWA permits the preparation of LDPs over any land within their Redevelopment Areas, allowing developers to apply for variations on a much broader scale.

In light of the predominant built form throughout DevelopmentWA areas being more consistent with the R-MD Codes and land being developed at a much higher R Coding (R35 and R50), there is merit in adopting the R-MD Codes as part of normalisation in order to maintain the status quo and eliminate the administrative burden of assessing/administering individual LDPs within Wungong. In addition, the WAPC will continue to restrict the use of LDPs via its subdivision approvals and therefore the R-MD Codes will need to be invoked in order to apply the current development standards for consistency.

### ***Local Development Plans***

The WAPC's position on the implementation of R-MD Codes and relationship to LDPs is outlined below:

*“The use of LDPs to vary the R-Codes is inconsistent with the position taken by the WAPC under the Local Development Plan Framework in 2015 and R-MD Codes in 2016. Since these changes the Department has advised Local Governments that LDPs should be phased out and that the R-MD Codes should be adopted as a local planning policy to provide for contemporary residential design.*

*The WAPC's Local Development Plan Framework (WAPC 2015) states:*

*A local development plan is to be used in limited situations to guide and coordinate development outcomes for a particular site, and is not to be used purely as a means to vary the deemed-to-comply provisions of the R-Codes. It is only to apply to specific lots, or group of lots, and not to entire housing estates or subdivision stages within a development.”*

Despite this position, in the City's experience, the WAPC has continued to allow the use of estate wide LDPs to maintain consistency with existing approved LDPs and accommodate future stages of subdivision within established estates. However, the WAPC is becoming less accommodating and is not supporting LDPs in other local governments, and requiring that the R-MD Codes be applied to the full extent.

### ***WAPC Review of R-MD Codes***

As per Planning Bulletin 122/2016, the WAPC had committed ‘*to monitor the implementation of the R-MD Codes and conduct reviews at six monthly intervals with a view to inclusion in the R-Codes*’.

It should be noted that no such review has been conducted by the WAPC to date, despite a number of requests by various LG's (including the City), and therefore this hasn't provided the opportunity to complete an analysis.

## OPTIONS

1. Council adopt amendments to Local Planning Policy PLN 3.10 to invoke R-MD Codes provisions, excluding the R-MD- R25 provisions relating to Boundary Setbacks (Clause 5.1.3, C3.1) and Front Fences (R-Codes 5.2.4).
2. Council not support the R-MD Codes framework until the WAPC has conducted a review.

## CONCLUSION

It is clear that the WAPC and the development industry will continue to push for the wide spread adoption of R-MD Codes within the Perth metropolitan area, particularly in light of the WAPC also restricting/preventing the use of LDPs in new estates.

Therefore, there is merit in adopting the R-MD Codes to align with normalisation of DevelopmentWA areas and enabling a consistent approach to R-Code variations, where the built forms outcomes are already consistent with R-MD standards via LDP's and/or where the lot product is more conducive to such development standards.

In light of some of the concerns raised above in this report, it is not recommended that Council adopt the R-MD 25 provisions relating to Boundary Setbacks (Clause 5.1.3, C3.1) and Front Fences (R-Codes 5.2.4) provisions in order to maintain and protect the streetscape amenity of areas, where the predominant R25 density code applies.

In this regard, it is recommended that Council adopt amendments to Local Planning Policy PLN 3.10 to invoke R-MD Codes provisions in accordance with Option 1.

## ATTACHMENTS

1. [Appendix 1 - RMD Codes](#)
2. [Comparison Table and Diagram between R25 and R-MD 25](#)
3. [Location Plan - Peregrine Estate](#)
4. [Policy PLN 3.10 - Residential Design Codes Variations - as amended](#)

## RECOMMEND

D36/5/20

### That Council:

1. **In accordance with Schedule 2, Part 2, clause 4 (3) and (4) adopt amendments to Local Planning Policy PLN 3.10 – Residential Design Codes Variation to invoke R-MD Code provisions as *per the Attachment*.**
2. **Publishes a notice in a newspaper circulating in the district stating that amendments to Local Planning Policy PLN 3.10 – Residential Design Codes Variation have been adopted.**
3. **Forward a copy of the Policy to the Western Australian Planning Commission.**

Moved Cr D M Shaw  
MOTION CARRIED

(6/0)

Appendix 1  
Single house standards for medium density housing in development zones (R-MD Codes)

R-Code	Lot type and size	Street setback and front fences		Lot boundary setback		Open space		Garage setback and width and vehicular access		Parking		Overshadowing		Privacy	
		R-Codes	R-MD provision	R-Codes	R-MD provision	R-Codes	R-MD provision	R-Codes	R-MD provision	R-Codes	R-MD provision	R-Codes	R-MD provision	R-Codes	R-MD provision
R-MD – R60	<b>Rear load</b> 5m x 30m – 150m <sup>2</sup> 6m x 30m – 180m <sup>2</sup> <b>Front load</b> 8.5m x 20m – 170m <sup>2</sup> 7.5m x 25m – 187.5m <sup>2</sup>	2m 2m minimum, no average 1m to porch / veranda no maximum length 1m minimum to secondary street Front fences within the primary street setback area being a maximum height of 600mm above natural ground level, measured from the primary street side of the front fence	<b>Boundary setbacks</b> 1 to 1.5m for wall height 3.5m and less (subject to wall length and major openings) <b>Boundary walls</b> 2/3 length one side high and 3m average height	<b>Boundary setbacks</b> 1.2m for wall height 3.5m or less with major openings 1m for wall height 3.5 or less without major openings <b>Boundary walls</b> No maximum length to both side boundaries	40% open space (60% site cover) 16m <sup>2</sup> courtyard 1/3 required outdoor living area (OLA) may be covered Minimum dimension 4m	An outdoor living area (OLA) with an area of 10% of the lot size or 20m <sup>2</sup> , whichever is greater, directly accessible from a dwelling and located behind the street setback area At least 70% of the OLA must be uncovered and includes areas under eaves which adjoin uncovered areas The OLA has a minimum 3m length or width dimension No other R-Codes site cover standards apply	<b>Rear load</b> Nil – provided laneway is minimum of 6m wide <b>Front load</b> 4.5m garage setback from the primary street and 1.5m from a secondary street The garage setback from the primary street may be reduced to 4m where an existing or planned footpath or shared path is located more than 0.5m from the street boundary For front loaded lots with street frontages between 10.5 and 12m, double garages is permitted to a maximum width of 6m as viewed from the street subject to: - Garage setback a minimum of 0.5m behind the building alignment - A major opening to a habitable room directly facing the primary street - An entry feature consisting of a porch or veranda with a minimum depth of 1.2m, and - No vehicular crossover wider than 4.5m where it meets the street Lots with a frontage less than 10.5m or not compliant with above require single or tandem garaging	Two on-site bays Two on-site bays where dwelling has two bedrooms or less	50% of the adjoining site area	No maximum overshadowing	3m to bedrooms and studies 4.5m to all other major openings 6m to balconies or similar	No privacy provisions apply			
R-MD – R40	<b>Rear load</b> 7.5m x 30m – 225m <sup>2</sup> <b>Front load</b> 8.5m x 30m – 255m <sup>2</sup> 8.5m x 25m – 212.5m <sup>2</sup> 10 x 20m – 200m <sup>2</sup> 10 x 25m – 250m <sup>2</sup> 12.5m x 20m – 250m <sup>2</sup>	4m 2m minimum, no average 1.5m to porch / veranda no maximum length 1m minimum to secondary street Front fences within the primary street setback area being a maximum height of 900mm above natural ground level, measured from the primary street side of the front fence	<b>Boundary setbacks</b> 1 to 1.5m for wall height 3.5m and less (subject to wall length and major openings) <b>Boundary walls</b> 2/3 length one side boundary, maximum 3m high and 3m average height	<b>Boundary setbacks</b> As per R-MD – R60 <b>Boundary walls</b> To both side boundaries subject to: - No maximum length to one side boundary, 2/3 maximum length to second side boundary for wall height 3.5m or less	45% open space (65% site cover) 20m <sup>2</sup> courtyard 1/3 required OLA area may be covered Minimum dimension 4m	As per R-MD – R60	<b>Rear load</b> Nil – provided laneway is minimum of 6m wide <b>Front load</b> 4.5m or 0.5m behind dwelling alignment subject to requirements	Two on-site bays	35% of the adjoining site area	No maximum overshadowing for wall height 3.5m or less No maximum overshadowing for wall height greater than 3.5m where overshadowing is confined to the front half of the lot. If overshadowing intrudes into rear half of the lot, shadow cast does not exceed 35%	4.5m to bedrooms and studies 6m to all other major openings 7.5m to balconies or similar	R-Codes clause 5.4.1 C1.1 applies, however the setback to bedrooms and studies, 4.5m to major openings to habitable rooms other than bedrooms and studies and 6m to unenclosed outdoor active habitable spaces			

**Appendix 1  
Single house standards for medium density housing in development zones (R-MD Codes)**

R-Code	Lot type and size	Street setback and front fences		Lot boundary setback		Open space		Garage setback and width and vehicular access		Parking		Overshadowing		Privacy	
		R-Codes	R-MD provision	R-Codes	R-MD provision	R-Codes	R-MD provision	R-Codes	R-MD provision	R-Codes	R-MD provision	R-Codes	R-MD provision	R-Codes	R-MD provision
R-MD - R30	Rear load 10m x 30m – 300m <sup>2</sup> Front load 10m x 30m – 300m <sup>2</sup> 15m x 20m – 300m <sup>2</sup>	4m	2m minimum, no average 1.5m to porch / veranda no maximum length 1m minimum to secondary street Front fences within the primary street setback area being a maximum height of 900mm above natural ground level, measured from the primary street side of the front fence	R-Codes Boundary setbacks 1 to 1.5m for wall height 3.5m and less (subject to wall length and major openings) Boundary walls to both side boundaries subject to: 2/3 length one side boundary, 1/3 side boundary, 1/3 max length to second side boundary for wall height 3.5m or less Boundary walls 2/3 length one side boundary, maximum 3.5m high and 3m average height	R-MD provision As per R-MD - R60	R-Codes 45% open space (55% site cover) 24m <sup>2</sup> courtyard 1/3 required OLA area may be covered Minimum dimension 4m	R-MD provision As per R-MD - R60	R-Codes Rear load Nil – provided laneway is minimum of 6m wide Front load 4.5m or 0.5m behind dwelling alignment subject to averaging requirements	R-MD provision As per R-MD - R60	R-Codes Two on-site bays	R-MD provision As per R-Codes adjoining site area	R-Codes 4.5m to bedrooms and studies 6m to all other major openings 7.5m to balconies or similar	R-MD provision As per R-MD - R40	R-Codes As per R-MD - R40	
R-MD - 25	Front load 12.5m x 25m – 312.5m <sup>2</sup> 15m x 25m – 375m <sup>2</sup> 12.5m x 30m – 375m <sup>2</sup>	6m	3m 1.5m to porch / veranda no maximum length 1.5m minimum to secondary street Front fences within the primary street setback area being a maximum height of 900mm above natural ground level, measured from the primary street side of the front fence	R-Codes Boundary setbacks 1 to 1.5m for wall height 3.5m and less (subject to wall length and major openings) Boundary walls 2/3 length one side boundary, max 3.5m high and 3m average height to one side boundary Boundary walls 2/3 length one side boundary, max 3.5m high and 3m average height to one side boundary	R-MD provision As per R-MD - R60	R-Codes 50% open space (50% site cover) 30m <sup>2</sup> courtyard 1/3 required OLA area may be covered Minimum dimension 4m	R-MD provision As per R-MD - R60	R-Codes Rear load Nil – provided laneway is minimum of 6m wide Front load 4.5m or 0.5m behind dwelling alignment subject to averaging requirements	R-MD provision As per R-MD - R60	R-Codes Two on-site bays	R-MD provision As per R-Codes adjoining site area	R-Codes 4.5m to bedrooms and studies 6m to all other major openings 7.5m to balconies or similar	R-MD provision As per R-MD - R40, however if overshadowing intrudes into rear half of the lot, shadow cast does not exceed 25%	R-Codes As per R-MD - R40	

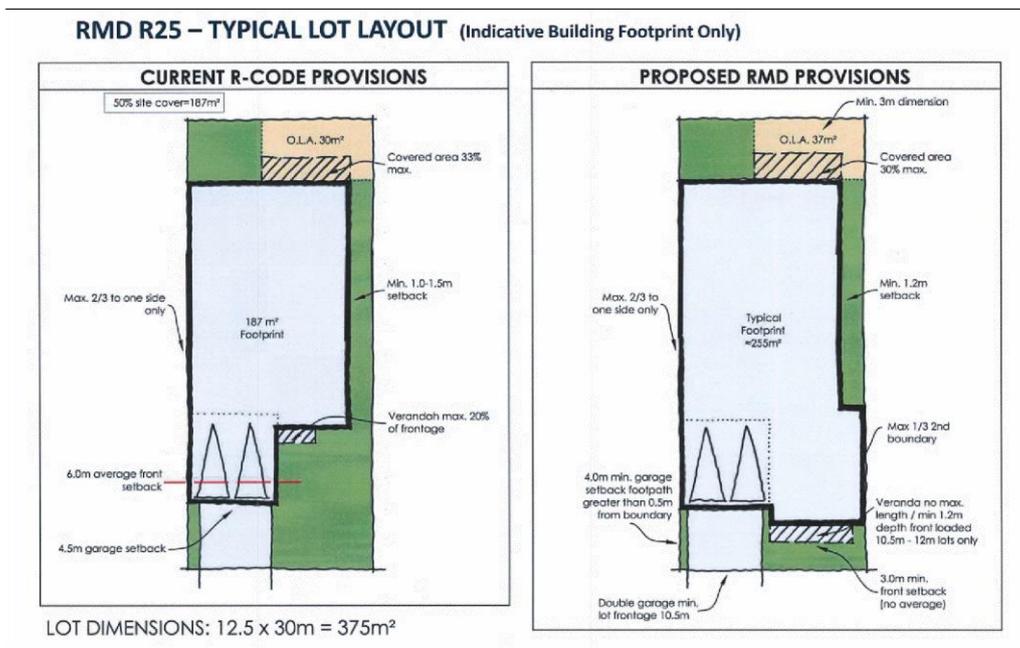
R-Code	Lot type and size	Street setback and front fences		Lot boundary setback		Open space		Garage setback and width and vehicular access		Parking		Overshadowing		Privacy	
		R-Codes	R-MD provision	R-Codes	R-MD provision	R-Codes	R-MD provision	R-Codes	R-MD provision	R-Codes	R-MD provision	R-Codes	R-MD provision	R-Codes	R-MD provision
R-MD - 25	Front load 12.5m x 25m – 312.5m <sup>2</sup> 15m x 25m – 375m <sup>2</sup> 12.5m x 30m – 375m <sup>2</sup>	6m	3m 1.5m to porch / veranda no maximum length 1.5m minimum to secondary street	Boundary setbacks 1 to 1.5m for wall height 3.5m and less (subject to wall length and major openings) Boundary walls 2/3 length one side boundary, max 3.5m high and 3m average height to one side boundary	Boundary setbacks As per R-MD - R60 1.2m for wall height 3.5m or less with major openings 1m for wall height 3.5 or less without major openings Boundary walls As per R-MD - R30 To both side boundaries subject to: 2/3 length to one side boundary, 1/3 max length to second side boundary for wall height 3.5m or less	50% open space (50% site cover) 30m <sup>2</sup> courtyard 1/3 required area may be covered Minimum dimension 4m	As per R-MD - R60 An outdoor living area (OLA) with an area of 10% of the lot size or 20m <sup>2</sup> , whichever is greater, directly accessible from a habitable room of a dwelling and located behind the street setback area At least 70% of the OLA must be uncovered and includes areas under eaves which adjoin uncovered areas The OLA has a minimum 3m length or width dimension No other R-Codes site cover standards apply	Rear load Nil – provided laneway is minimum of 6m wide Front load 4.5m or 0.5m behind dwelling alignment subject to averaging requirements	As per R-MD - R60 Rear load 0.5m garage setback to laneway Front load 4.5m garage setback from the primary street and 1.5m from a secondary street The garage setback from the primary street may be reduced to 4m where an existing or planned footpath or shared path is located more than 0.5m from the street boundary For front loaded lots with street frontages between 10.5 and 12m, a double garage is permitted to a maximum width of 6m as viewed from the street subject to: -Garage setback a minimum of 0.5m behind the building alignment -A major opening to a habitable room directly facing the primary street -An entry feature consisting of a porch or veranda with a minimum depth of 1.2m, and -No vehicular crossover wider than 4.5m where it meets the street -Lots with a frontage less than 10.5m or not compliant with above require single or tandem garaging	Two on-site bays	As per R-Codes	25% of the adjoining site area	As per R-MD - R40 however if overshadowing intrudes into rear half of the lot, shadow cast does not exceed 25% No maximum overshadowing for wall height 3.5m or less No maximum overshadowing for wall height greater than 3.5m where overshadowing is confined to the front half of the lot. If overshadowing intrudes into rear half of the lot, shadow cast does not exceed 25%	4.5m to bedrooms and studies 6m to all other major openings 7.5m to balconies or similar No maximum overshadowing for wall height 3.5m or less No maximum overshadowing for wall height greater than 3.5m where overshadowing is confined to the front half of the lot. If overshadowing intrudes into rear half of the lot, shadow cast does not exceed 25% No maximum overshadowing for wall height 3.5m or less No maximum overshadowing for wall height greater than 3.5m where overshadowing is confined to the front half of the lot. If overshadowing intrudes into rear half of the lot, shadow cast does not exceed 25%	As per R-MD - R40 R-Codes clause 5.4.1 C1.1 applies, however the setback distances are 3m to bedrooms and studies, 4.5m to major openings to habitable rooms other than bedrooms and studies and 6m to unenclosed outdoor active habitable spaces

<b>Comparison between Current R-Code (Deemed-to-Comply) and R-MD provisions at R25 density coding</b>		
<b>Street setback and front fences (Clauses 5.1.2 &amp; 5.2.4)</b>		
R-Codes	R-MD Provision	Key Differences
6m average  1m into the street setback area for porch/verandah and not exceeding 20% of building façade length  1.5m minimum to secondary street  Fencing within the front setback area being visually permeable above 1.2m	3m  1.5m to porch / verandah no maximum length  1.5m minimum to secondary street  Front fences within the primary street setback area being a maximum height of 900mm above natural ground level, measured from the primary street side of the front fence	50% reduction to the minimum primary street setback from 6m to 3m  Porches/verandas now permitted up to 1.5m and no restriction on length.  Secondary street unchanged  Fencing within the front setback area reduced to being no higher than 900mm
<b>Lot Boundary Setbacks (Clause 5.1.3)</b>		
R-Codes	R-MD Provision	Key Differences
<u>Boundary setbacks</u> 1 to 1.5m for wall height 3.5m and less (subject to wall length and major openings)  <u>Boundary walls</u> 2/3 length one side boundary, max 3.5m high and 3m average height to one side boundary	<u>Boundary Setbacks</u> (As per R-MD – R60) 1.2m for wall height 3.5m or less with major openings 1m for wall height 3.5 or less without major openings  <u>Boundary walls</u> (As per R-MD – R30) To both side boundaries subject to: 2/3 length to one side boundary, 1/3 max length to second side boundary for wall height 3.5m or less	Side setbacks reduced from 1.5m to 1.2m with major openings.  Boundary-to-boundary (boundary walls permitted to both side boundaries).
<b>Open Space (Clause 5.1.4)</b>		
R-Codes	R-MD Provision	Key Differences
50% open space (50% site cover)  30m2 courtyard  1/3 required OLA area may be covered  Minimum dimension 4m	(As per R-MD – R60)  An outdoor living area (OLA) with an area of 10% of the lot size or 20m2, whichever is greater, directly accessible from a habitable room of the dwelling and located behind the street setback area  At least 70% of the OLA must be uncovered and includes areas under eaves which adjoin uncovered areas  The OLA has a minimum 3m length or width dimension  No other R-Codes site cover standards apply	Open Space requirement has been removed entirely and replaced with a minimum Outdoor Living Area (OLA) 10% of total lot area or minimum 20m2, whichever is greater.  [OLA means: <i>The area external to a <b>single house, grouped or multiple dwelling</b> to be used in conjunction with that <b>dwelling</b> such that it is capable of active or passive use and is readily accessible from the dwelling.</i> ]  Reduction to the minimum length and width from 4m to 3m.

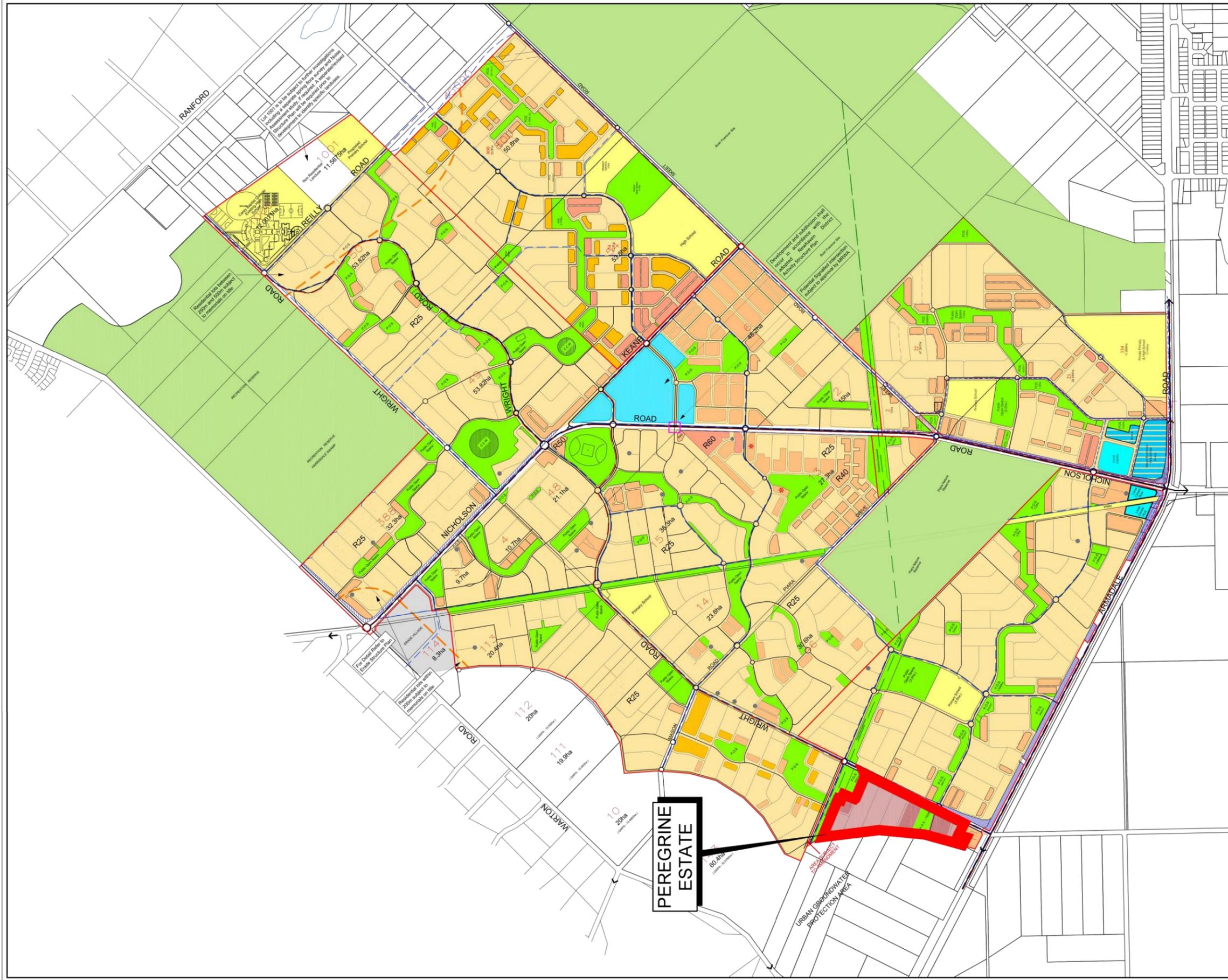
<b>Garage setback and width and vehicular access (Clauses 5.2.1 &amp; 5.2.2)</b>		
<b>R-Codes</b>	<b>R-MD Provision</b>	<b>Key Differences</b>
<p><u>Rear load</u> Nil – provided laneway is minimum of 6m wide</p> <p><u>Front load</u> 4.5m or 0.5m behind dwelling alignment subject to averaging requirements</p>	<p>As per R-MD – R60</p> <p><u>Rear load</u> 0.5m garage setback to laneway</p> <p><u>Front load</u> 4.5m garage setback from the primary street and 1.5m from a secondary street</p> <p>The garage setback from the primary street may be reduced to 4m where an existing or planned footpath or shared path is located more than 0.5m from the street boundary</p> <p>For front loaded lots with street frontages between 10.5 and 12m, a double garage is permitted to a maximum width of 6m as viewed from the street subject to:</p> <ul style="list-style-type: none"> <li>-Garage setback a minimum of 0.5m behind the building alignment</li> <li>-A major opening to a habitable room directly facing the primary street</li> <li>-An entry feature consisting of a porch or veranda with a minimum depth of 1.2m; and</li> <li>-No vehicular crossover wider than 4.5m where it meets the street</li> <li>-Lots with a frontage less than 10.5m or not compliant with above require single or tandem garaging</li> </ul>	<p>Increase of 0.5m setback from laneway</p> <p>Reduction of garage setback by 0.5m from 4.5m to 4.0m, where no footpath is proposed.</p> <p>Increase in allowable width of a garage on lots (with a frontage between 10.5m-12m) from 50% of lot width to 6m</p>
<b>Overshadowing (Clause 5.4.2)</b>		
<b>R-Codes</b>	<b>R-MD Provision</b>	<b>Key Differences</b>
<p>25% of the adjoining site area</p>	<p>(As per R-MD – R40), however if overshadowing intrudes into rear half of the lot, shadow cast does not exceed 25%</p> <p>No maximum overshadowing for wall height 3.5m or less</p> <p>No maximum overshadowing for wall height greater than 3.5m where overshadowing is confined to the front half of the lot. If overshadowing intrudes into rear half of the lot, shadow cast does not exceed 25%</p>	<p>25% overshadowing coverage only applies to the rear half of the adjoining site area</p>

Privacy (Clause 5.4.1)		
R-Codes	R-MD Provision	Key Differences
4.5m to bedrooms and studies  6m to all other major openings  7.5m to balconies or similar	As per R-MD – R40  R-Codes clause 5.4.1 C1.1 applies, however the setback distances are: 3m to bedrooms and studies,  4.5m to major openings to habitable rooms other than bedrooms and studies and;  6m to unenclosed outdoor active habitable spaces	Privacy setbacks reduced by 1.5m for all major openings

The below diagram provides an indicative illustration of the some of the variations outlined above for ease of reference:



Source: CLE Town Planning & Design

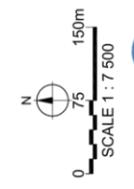


**LEGEND**

- Structure Plan Boundary
- Residential R25
- Residential R30
- Residential R40
- Residential R50
- Residential R60
- RMD Residential R30
- RMD Residential R40
- P.O.S. & Drainage
- Conservation Category Wetland
- Parks and Recreational (Regional)
- District Centre
- Local Centre
- Mixed Business/Residential
- Public Purpose (Proposed lots only)
- Restricted Use No.4
- Additional Use (Residential)
- Additional Use (Commercial)
- Additional Use (Public Purpose)
- Integrator Arterial
- Neighbourhood Connector
- High Order Access Street
- Access Streets
- Laneways
- District Dual Use Path
- Bus Routes
- Kennel Buffer
- Road Widening
- Signalled Intersection

**COMPOSITE NORTH FORRESTDALE  
STRUCTURE PLANNING**

REFER TO INDIVIDUAL STRUCTURE PLANS FOR DETAILS



**PLN 3.10**

**RESIDENTIAL DESIGN CODES VARIATIONS & R-MD CODES**

**1. INTRODUCTION**

This policy varies certain Deemed-to-Comply requirements of the Residential Design Codes of Western Australian (**R-Codes**) relating to boundary walls for garages, reduced setbacks for patios and walls without major openings and limitations on building height of carports and patios.

This policy also invokes medium density single house development standards (RMD Codes) in areas zoned Urban Development Zone, generally in accordance with Appendix 1 of WAPC's Planning Bulletin 112/2016.

This policy has been prepared in accordance with *Schedule 2, Part 2 of the Planning and Development (Local Planning Schemes) Regulations 2015* and also Part 7 of the R-Codes, wherein it is specified which provisions of the **R- Codes** may be varied by a local planning policy.

**2. APPLICATION OF POLICY**

This Policy applies to boundary walls for garages and carports, reduced setbacks for patios and walls without major openings and limitations on building height of carports and patios within the Residential zone.

This policy also applies medium density single house development standards (R-MD Codes) in areas zoned Urban Development, including variations to: street and lot boundary setbacks, open space, garage widths and setbacks, front fences, parking, visual privacy and solar access.

This policy varies or augments relevant Deemed-to-Comply requirements contained within the **R-Codes** subject to compliance with the requirements outlined in the Policy Statement below. As such, Residential Design Code Variation (RDCV) applications will not be required in these instances.

**3. POLICY OBJECTIVES**

- (a) To provide greater guidance in the application of **R-Codes** Deemed-to-Comply requirements to suit the development circumstances in the City of Armadale.
- (b) To ensure buildings and structures are sited and designed appropriately and integrate with the residential streetscape and amenity.

(c) To implement the R-MD Codes.

**4. POLICY STATEMENT**

**4.1 Boundary Walls - Garages and Carports (**R-Codes** 5.2.1 C1.1 & C1.5)**

In areas coded R17.5, walls to garages and carports may be built up to one side boundary where not higher than 3.0m with an average height of 2.7m from natural ground level, up to 9m in length and subject to a minimum street setback line of 4.5m in the case of a Primary Street or 1.5m for a Secondary Street.

**4.2 Boundary Walls- Two Sides (Grouped Dwellings Only) (R-Codes 5.1.3 C3.2 (ii) & (iii))**

In circumstances where a proposed grouped dwelling development has a centrally located common driveway in areas coded R20 and higher, boundary walls are permitted to both side boundaries of the parent lot subject to compliance with the wall height and length requirements as specified under Clause 5.1.3 C3.2 (ii) and (iii) of the R-Codes respectively.

**4.3 Reduced Boundary Setbacks- Patios (R-Codes 5.1.3 C3.1 (i))**

In areas coded R15 and higher, patios may be built up to the boundary subject to the following criteria:

- a) Posts permitted "up-to the" boundary;
- b) Building height to be determined in accordance with Category A of Table 3-Maximum Building Heights;
- c) Roof and gutters to be no closer than 500mm from boundary;
- d) Set back behind the building line;
- e) Roof pitch not to exceed 34 degrees;
- f) Compliance with Open Space requirements (Clause 5.1.4 of the R-Codes);
- g) Patios not to exceed 75m<sup>2</sup> in area.

**4.4 Reduced Boundary Setbacks for Wall Heights of 3.5m or less without major openings (R-Codes 5.1.3 C3.1(i))**

In areas coded R15 and higher, any wall or portion of wall without a major opening with a height 3.5m or less above natural ground level is permitted to be setback a minimum of 1m from the boundary regardless of its overall length.

**4.5 Building Height- Carports and Patios (R-Codes 6.1.2 C2)**

The maximum building height for patios and carports (and similar freestanding structures) is to be determined in accordance with Category A of Table 4 - Maximum Building Heights.

**4.6 Outbuildings (R-Codes 5.4.3 C3)**

The setbacks, height and maximum floor area requirements for outbuildings shall be in accordance with Planning Policy PLN 3.4-Outbuildings.

**4.7 Medium-density Single House development standards in areas zoned Urban Development (R-MD Codes)**

The development standards (as outlined in Table 1 below) apply in areas zoned Urban Development that are not subject to an approved Local Development Plan.

Where a provision of the R-MD is inconsistent with an approved Local Development Plan (LDP), the provision of the LDP prevails.

**TABLE 1 - Single House Standards for Medium Density in Urban Development Zone (R-MD Codes)**

<b>R-MD Provisions</b> (R-Codes)	<b>R-MD 25</b> (R25)	<b>R-MD 30</b> (R30 & R35)	<b>R-MD 40</b> (R40)	<b>R-MD 60</b> (R50 & R60)
<b>Street Setbacks</b> (R-Codes 5.1.2)	<ul style="list-style-type: none"> <li>3m minimum (no average);</li> <li>1.5m to porch/veranda (no max length);</li> <li>1.5m minimum to secondary street.</li> </ul>	<ul style="list-style-type: none"> <li>2m minimum (no average);</li> <li>1.5m to porch/veranda (no max length);</li> <li>1m minimum to secondary street.</li> </ul>		<ul style="list-style-type: none"> <li>2m minimum (no average);</li> <li>1m to porch/veranda (no maximum length);</li> <li>1m minimum to secondary street.</li> </ul>
<b>Front Fences</b> (R-Codes 5.2.4)	<ul style="list-style-type: none"> <li>As per R-Codes.</li> </ul>	<ul style="list-style-type: none"> <li>Front fences within the primary street setback area being a maximum height of 900mm above natural ground level, measured from the primary street side of the front fence.</li> </ul>		
<b>Lot Boundary Setback</b> (R-Codes 5.1.3, C3.1)	<ul style="list-style-type: none"> <li>1.2m for wall height 3.5m or less with major openings;</li> <li>1m for wall height 3.5m or less without major openings.</li> </ul>			
<b>Walls to Boundary</b> (R-Codes 5.1.3, C3.2)	<ul style="list-style-type: none"> <li>As per R-Codes.</li> </ul>	<p>To both side boundaries subject to:</p> <ul style="list-style-type: none"> <li>2/3 maximum length to one side boundary;</li> <li>1/3 max length to second side boundary for wall height 3.5m or less.</li> </ul>	<p>To both side boundaries subject to:</p> <ul style="list-style-type: none"> <li>No maximum length to one side boundary;</li> <li>2/3 max length to second side boundary</li> </ul>	<ul style="list-style-type: none"> <li>No maximum length to both side boundaries.</li> </ul>

R-MD Provisions (R-Codes)	R-MD 25 (R25)	R-MD 30 (R30 & R35)	R-MD 40 (R40)	R-MD 60 (R50 & R60)
<p><b>Open Space</b> (R-Codes 5.1.4)</p>			<p>for wall height 3.5m or less.</p>	
<p><b>Garage Setback and Width and Vehicular Access</b> (R-Codes 5.2.2, 5.3.3 and 5.3.5)</p>	<p><b>Rear load</b></p> <ul style="list-style-type: none"> <li>• 0.5m garage setback to laneway.</li> </ul> <p><b>Front load</b></p> <ul style="list-style-type: none"> <li>• 4.5m garage setback from the primary street and 1.5m from a secondary street;</li> <li>• The garage setback from the primary street may be reduced to 4m where an existing or planned footpath or shared path is located more than 0.5m from the street boundary;</li> <li>• For front loaded lots with street frontages between 10.5 and 12m, a double garage is permitted to a maximum width of 6m as viewed from the street subject to:                             <ul style="list-style-type: none"> <li>- Garage setback a minimum of 0.5m behind the building alignment;</li> <li>- A major opening to a habitable room directly facing the primary street;</li> <li>- An entry feature consisting of a porch or veranda with a minimum depth of 1.2m; and</li> <li>- No vehicular crossover wider than 4.5m where it meets the street.</li> </ul> </li> <li>• Lots with a frontage less than 10.5m or not compliant with above require single or tandem garaging.</li> </ul>			

R-MD Provisions (R-Codes)	R-MD 25 (R25)	R-MD 30 (R30 & R35)	R-MD 40 (R40)	R-MD 60 (R50 & R60)
<p><b>Parking</b> (R-Codes 5.3.3)</p>	<ul style="list-style-type: none"> <li>As per R-Codes.</li> </ul>			<ul style="list-style-type: none"> <li>One on-site bay where dwelling has two bedrooms or less.</li> </ul>
<p><b>Overshadowing</b> (R-Codes 5.4.1)</p>	<ul style="list-style-type: none"> <li>No maximum overshadowing for wall height 3.5m or less;</li> <li>No maximum overshadowing for wall height greater than 3.5m where overshadowing is confined to the front half of the lot;</li> <li>If overshadowing intrudes into rear half of the lot, shadow cast does not exceed 25%.</li> </ul>	<ul style="list-style-type: none"> <li>No maximum overshadowing for wall height 3.5m or less;</li> <li>No maximum overshadowing for wall height greater than 3.5m where overshadowing is confined to the front half of the lot;</li> <li>If overshadowing intrudes into rear half of the lot, shadow cast does not exceed 35%.</li> </ul>		<ul style="list-style-type: none"> <li>No maximum overshadowing.</li> </ul>
<p><b>Privacy</b> (R-Codes 5.4.2)</p>	<ul style="list-style-type: none"> <li>R-Codes clause 5.4.1 C1.1 applies, however the setback distances are:                             <ul style="list-style-type: none"> <li>3m to bedrooms and studies;</li> <li>4.5m to major openings to habitable rooms other than bedrooms and studies; and</li> <li>6m to unenclosed outdoor active habitable spaces.</li> </ul> </li> </ul>			<ul style="list-style-type: none"> <li>No privacy provisions apply.</li> </ul>

## **5. DEFINITIONS**

**Front load** Lots where the primary vehicle access is via the front of the lot and the garage / carport is located at the front of the dwelling.

**Rear load** Lots where the primary vehicle access is via the rear of the lot, from a street or right of way (ROW) and the garage / carport is located at the back of the dwelling.

- D13/2/12** Development Services Committee 20 Feb 2012 - Adopted by Council 27 Feb 2012  
**D7/2/14** Development Services Committee 18 February 2014 - Adopted by Council 24 February 2014  
**D32/8/16** Development Services Committee 16 Aug 2016 - Adopted by Council 22 Aug 2016  
- Revised January 2018 (as per Amendment 86)